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4 **E-FILED on** 10/09/08
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 REHAN SHEIKH,
13 Plaintiff,
14 v.
15 CISCO SYSTEMS, INC., and DOES 1-20
16 Defendants.

17 No. C-07-00262 RMW

18 ORDER REQUESTING ADDITIONAL
19 BRIEFING ON UNCONSCIONABILITY

20 [Re Docket No. 45]

21 The court is concerned that the governing arbitration agreement may be procedurally and
22 substantively unconscionable. The court requests that Mr. Sheikh submit an opposing brief
23 concerning the issue of unconscionability by October 17, 2008, and that Cisco file a reply by
24 October 27, 2008. The briefs shall not exceed fifteen pages of argument. Mr. Sheikh is cautioned
25 that no papers filed after the above deadline, in excess of the stated page limit, or concerning issues
26 other than unconscionability, will be accepted. Furthermore, Cisco should file its reply brief
whether Mr. Sheikh chooses to submit an opposition or not.

1 The court is hesitant to request additional briefing given Mr. Sheikh's failure to meet filing
2 deadlines in the past. But because neither side has been heard on the unconscionability issue, the
3 court finds additional briefing appropriate.

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6 DATED: 10/09/08

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RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

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7 Counsel are responsible for distributing copies of this document to co-counsel that have not
8 registered for e-filing under the court's CM/ECF program.

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10 **Dated:** 10/09/08

11 /s/ JAS
12 **Chambers of Judge Whyte**